IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 30401 of 1998

Between:

K.Pushpa Vijayarathnam D/o Late K.Swaminatha Chari
4-2-365-A, Giripuram, Tirupati

..... PETITIONER

AND

1 Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
2 The Regional Director, Medical & Health Services,
zone-4, Cuddapah, Cuddapah Dist.
3 The Director of Medcial Education , D.M.S. Office,
Sultan Bazar, Hyderabad.
4 Superintendent,
S.V.R.R.Government General Hospital, Tirupati, Chittoor Dist.

.....RESPONDENTS

THE COURT MADE THE FOLLOWING:

ORAL ORDER: ***(per Hon'ble Smt. T. Meena Kumari, J)***

This writ petition has been filed challenging the order passed by the first respondent-Tribunal in O.A.No.6365 of 1998 dated
24-09-1998 and to direct the second respondent to retain the petitioner at Tirupati in the 4th respondent- Hospital by declaring her transfer as bad in law and also to direct the 4th respondent-Hospital to pay all the arrears of salary that are due to her from 17-01-1998.

The relevant facts for determination of this controversy are that the petitioner was appointed as a Staff Nurse in the year 1997 in the 4th respondent-Hospital. While the petitioner was on sick leave, the 4th respondent issued a memo dated 22-01-1998. On
09-02-1998, the petitioner sought for further information. Thereafter, no action has been taken by the 4th respondent. Subsequently, on 25-04-1998, she was transferred to Primary Health Centre, Kammapalle in Chittoor District, but she was not served with the transfer order. On 25-4-1998, her name was removed from the rolls of the 4th respondent-Hospital. Subsequently, when she submitted another leave letter from 01-05-1998 to 31-05-1998, 2nd respondent

issued a show cause notice dated 09-06-1998, for which she submitted adequate explanation. Further, on 16-07-1998 she made a representation to the Hon'ble Minister for Medical and Health, who directed the 2nd respondent to post the petitioner in the 4th respondent-Hospital. So far, respondents 2 and 4 have not complied with the same. Even the salary commencing from the month of January, 1998 has not been paid to her. Then, she filed O.A.No.6365 of 1998 before the 1st respondent, who disposed of the same on 24-09-1998 directing the respondents 2 to 4 to pass appropriate orders regarding the petitioner's request for retention at the 4th respondent-Hospital within one month. But no orders have yet been passed. Hence, the present writ petition.

Heard both sides and considered the material available on record.

Admittedly, there is no dispute as to the appointment of the petitioner in the 4th respondent-Hospital as staff-nurse and her continuation of service as such. It is clear that the Hon'ble Minister for Medical and Health directed the 2nd respondent to post the petitioner in the 4th respondent-Hospital. It is further clear that O.A.No.6365 of 1998 filed by the petitioner was disposed of directing the respondents 2 to 4 to pass appropriate orders regarding the petitioner's request for retention at the 4th respondent-Hospital within one month. So far, respondents 2 and 4 have not complied with the same.

The very relief sought for by the petitioner in this writ petition is to direct the second respondent to retain the petitioner at 4th respondent-Hospital and to declare the order passed by the 1st respondent in O.A.No.6365 of 1998 dated 24-09-1998 as bad in law.

A cursory scrutiny of the order passed by the 1st respondent in O.A.No.6365 of 1998 goes to show that no orders have been passed on the petitioner's representation dated 16-07-1998, and as such, the Tribunal has rightly directed the respondents to pass appropriate orders in the matter.

Taking conspectus of the aforesaid facts and circumstances and in view of the cogent reasons given by the Tribunal, the writ petition is devoid of merits and does not call for interference of this Court.

The writ petition is accordingly dismissed. No order as to costs.

T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

28th September, 2005

SKM/KVSN